

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

## UNITED STATES DISTRICT COURT

for the

District of SC

Division

Case No. 3:24-cv-6991-JFA-PJG

(to be filled in by the Clerk's Office)

JAYROSKY O. JONES

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ NoWALMART

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

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## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

JAYROSKY JONES

Street Address

641 1/2 WALL STREET

City and County

WEST COLUMBIA

State and Zip Code

SOUTH CAROLINA 29169

Telephone Number

803.476.2548

E-mail Address

JAYROSKY@GMAIL.COM

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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## Defendant No. 1

Name

WALMART

Job or Title *(if known)*

STORE MANAGER # 4440

Street Address

702 SW 8TH STREET

City and County

BENTONVILLE

State and Zip Code

ARKANSAS , 72716

Telephone Number

479-273-4000

E-mail Address *(if known)*

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## Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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## Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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## Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	<u>BALLENTINE WALMART #4440</u>
Street Address	<u>1180 DUCK FORK ROAD</u>
City and County	<u>IRMO RICHLAND</u>
State and Zip Code	<u>SOUTH CAROLINA 29063</u>
Telephone Number	<u>803-781-7775</u>

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (specify the federal law):

☐ Relevant state law (specify, if known):

☐ Relevant city or county law (specify, if known):

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

MAY 2023 Through December 2023

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race multiple opportunities to advance
- ☒ color which were not given to the plaintiff
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

*October 2023*

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 9.4.2024.

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*Punitive damages due to the poor repeated negligence of the store manager. Loss wages due to retaliation from the store manager.*

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/2/2024

Signature of Plaintiff

Printed Name of Plaintiff

JAY ROSKY  
JAYROSKY O. JONES

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

III.(A)

In October 2023 I rejoined Walmart due to needing a flexible schedule while going through separation. While attempting to reestablish my modified life changes, positions were beginning to open throughout the store in several areas it was then I decided to put in my request through Walmart's official Assessment testing for promotions and transfers. Due to being recognized for my outstanding work ethics and prior experience that there should not be too many problems with achieving anyone of the spots. During that time my store managers had a conversation with me stating that out of 363 store associates that myself and another associate were up for the promotions. We were to be tasked with solving the productivity issues on two different teams. When I was to join the team I was tasked with there was already another person on the way to lead the team.

Both of these employees were of different color and race and it began happening more and more throughout the store under his leadership. I then reported the store managers behavior to our ethics team and associate relations team. As the store manager is the primary investigator for ethics concerns he was able to close them without even consulting & confirming with me of my concerns. The store manager of 4440 then decided to retaliate by excluding days on my schedule and having store leaders remove my Paid Time Off approvals stating that I had to wait to be promoted. While I relayed my findings to the appropriate Walmart investigations teams I contacted the EEOC as well. In December of 2023 II.(E) was investigated further and terminated. His actions have had an unfortunate effect on my financial & professional goals during this time. Walmart has allowed the store managers poor behavior to continue over a long period of time and it



has been shown as such. Blatant disregard for WALMART policies on discrimination, harassment and retaliation. I know so because they are posted in the backroom areas of the store and we are constantly tested on them through computer-based learning activities. It has not felt right to be on this end of such poor behavior. To let the store manager be a burden on me when I could have moved forward with reestablishing with a new wage for better earnings and personal professional goals.

JAYROSKY O. JONES

J.O.J.